

CLAIMS

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OGC REVIEW COMPLETED

25 May 1955

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT: Approval of Claims Affecting Lapsed Appropriations

REFERENCE: Comptroller's Memorandum to DD/S, dtd 10 May 55,
Same Subject

1. In his memorandum of 10 May 1955, the Comptroller recommends approval and dispatch of a letter to himself by the Director which would serve to make it clear that the authority under paragraph 9b of Regulation 30-110 to pay from unexpended balances of appropriations which have not lapsed claims incurred during periods covered by appropriations which have lapsed applies to both

a. Payments currently made affecting lapsed appropriations and

b. Accountings currently recorded in connection with advances previously made from appropriations which have since lapsed.

He would also change the existing practices under paragraph 9b by charging the Comptroller with certain duties now required of the Deputy Director (Support), and because of possible security implications, he would effect this action by a letter from the Director to the Comptroller and subsequent repeal of paragraph 9b.

2. In view of the fact that the making of payments from appropriations which have not lapsed for claims incurred during periods covered by appropriations which have lapsed has been worked out as an acceptable Agency practice in recent years, only the point concerning accountings currently recorded presents a question. As to this point, there seems to be no significant distinction between the two types of transactions. That is to say that, when approved, accountings for advances previously made in effect amount to specific and retroactive approval for payment of the claims against which the advances were intended to be applied. For this reason we think both transactions may be considered within the spirit of the accepted Agency practice. We would, therefore, concur as to the substance of the action proposed.

3. For a number of reasons, however, we think the Director should not sign the letter in its present form, and for the same reasons, this office withholds its concurrence to the proposed letter to the Comptroller.

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a. Signature by the Director would cause him to make statements which he is not in a position to know of his own knowledge addressed to the official who is in a position to know, by way of justification for the action which the Director's signature would effect. It is believed the Director need not make such statements.

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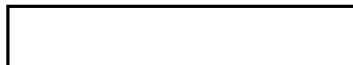
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3. It is recommended, therefore, that the Director merely approve the Comptroller's memorandum, but with the notation that the authority therein is delegated to the DD/S. The Deputy Director (Support) can then delegate to the Comptroller, as desired.

4. The file is forwarded herewith.

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Office of General Counsel

Att.

OGC/RHL:mm

2 - Addressee

✓ 1 - subject 1 signer, 1 chrono

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